REMARKS

In response to the Office Action dated January 31, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

Rejection of Claims Under § 101

The Office rejected claims 12 and 18-20 under 35 U.S.C. § 101 for claiming non-statutory subject matter. The preamble of independent claim 12 has been amended to recite a *"computer program product comprising a computer readable medium storing processor-executable instructions for performing a method."* Support for such features may be found in the as-filed application at paragraph [0031]. The Assignee thus asserts that claims 12 and 18-20 fully comply with 35 U.S.C. § 101.

Objection to Claim 12

The Office also objected to independent claim 12 for antecedent basis. As the above paragraph explained, though, the preamble of independent claim 12 has been amended. The Assignee thus asserts that the preamble of independent claim 12 has no antecedent error.

Rejection of Claims Under § 102 (e)

The Office rejects claims 1-3, 6-14, and 17-18 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* A claim, however, is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

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Claims 1-3, 6-14, and 17-18 cannot be anticipated by *Logan*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Logan*. Independent claim 1, for example, recites *"determining a subcontracted processing service is required"* and *"interrogating a different service provider to fulfill the subcontracted processing service."* Support for such features may be found at least at paragraphs [0025] through [0027] of United States Application No. 10/720,587 (Attorney Docket 030353), which is incorporated by reference. Subcontracting of processing services is also supported by paragraphs [0023] and [0024] of United States Application No. 10/720,941 (Attorney Docket 030006), which is also incorporated by reference. Independent claim 1 also recites *"dispersing the segment to the different service provider via a network to receive the subcontracted processing service"* and *"receiving a result of the subcontracted processing service from the different service provider."* Support may also be found in paragraphs [0023] and [0024] of United States Application No. 10/720,941 (Attorney Docket 030006), which is also incorporated by reference. Independent claim 1 is reproduced below, and independent claims 11 and 12 recite similar features.

[c01]   A method of providing communications services, comprising:

retrieving audio-video data comprising packets of data packetized according to a packet protocol;

segmenting the packets according to a set of subscriber-specified rules stored in memory, the set of subscriber-specified rules specified by a subscriber to a subscription service, the set of subscriber-specified rules specifying how the audio-video data is formatted to suit a requirement of a client communications device;

determining a subcontracted processing service is required;

interrogating a different service provider to fulfill the subcontracted processing service;

grouping together individual packets as a segment, each of the individual packets in the segment requiring the subcontracted processing service;

dispersing the segment to the different service provider via a network to receive the subcontracted processing service;

receiving a result of the subcontracted processing service from the different service provider;

assembling formatted audio-visual data comprising the result of the subcontracted processing service and an unprocessed segment; and

communicating the formatted audio-visual data via the network.

Logan cannot anticipate these features. *Logan* segments broadcast programming and uses demographics and preferences to select segments that match the needs of users. *See* U.S. Patent Application Publication 2003/0093790 to Logan, *et al.* at paragraphs [0043], [0045], and [0047]. Even so, *Logan* completely fails to teach or suggest "*determining a subcontracted processing service is required*" and "*interrogating a different service provider to fulfill the subcontracted processing service.*" The published application to Logan, *et al.* also fails to teach or suggest "*dispersing the segment to the different service provider via a network to receive the subcontracted processing service*" and "*receiving a result of the subcontracted processing service from the different service provider.*" The published application to Logan, *et al.*, quite simply, fails to contemplate subcontracting of processing services to a different service provider. *Logan*, then, cannot anticipate independent claims 1, 11, and 12.

Independent claim 11 recites more distinguishing features. Independent claim 11, for example, recites "*discarding an XML data segment having a minimum amount of change in pixel data within a time frame to reduce processing time.*" Support for such features may be found at least at paragraph [0024] of the as-filed specification. Because *Logan* fails to teach or suggest these features, *Logan* cannot anticipate independent claim 11.

Independent claim 12 recites even more distinguishing features. Independent claim 12, for example, recites "*interfacing with an electronic calendar*" and "*declining to communicate the formatted audio-visual data to the client communications device during a scheduled event indicated in the electronic calendar.*" Support for such features may be found at least at paragraph [0026] of the as-filed specification. Because *Logan* fails to teach or suggest these features, *Logan* cannot anticipate independent claim 12.

Claims 1-3, 6-14, and 17-18, then, cannot be anticipated by *Logan*. Independent claims 1, 11, and 12 recite many features that are not disclosed or suggested by *Logan*. The respective dependent claims incorporate these same features and recite additional features. Claims 1-3, 6-

14, and 17-18, then, cannot be anticipated, so the Office is respectfully requested to remove the §

102 (e) rejection of these claims.

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Rejection of Claims under § 103 (a)

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The Office rejected claims 4-5, 15-16, and 19-20 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Logan* in view of U.S. Patent 7,184,548 to Wee, *et al.*

These claims, however, cannot be obvious over *Logan* and *Wee*. These claims respectively depend from independent claims 1, 11, and 12 and, thus, incorporate the same distinguishing features of their respective base claims. As the above paragraphs already explained, *Logan* fails to teach or suggest many of the features recited by independent claims 1, 11, and 12.

Wee does not cure these deficiencies. *Wee* describes a computer system that segments video data. *See* U.S. Patent 7,184,548 to Wee, *et al.* at column 3, lines 38-51. *Wee*, however, segments a "video frame" into regions. The independent claims, in contradistinction, segment "*packets* according to a set of subscriber-specified rules stored in memory" (emphasis added). As *Wee* explains, "the video date is comprised of a stream of uncompressed video frames which are received by segmented 702." *Id.* at column 7, lines 64-66. As FIG. 10 illustrates, the video frame is segmented into regions. *See id.* at column 9, lines 18-21, lines 23-27, and lines 27-30. *See also* FIGS. 10A, 10B, and 10C. Each region is then packetized using header data and scalable video data. *See id.* at column 8, line 62 through column 9, line 7. *Wee* further explains its process at column 10, line 55 through column 11, line 20.

Still, though, *Logan* and *Wee* cannot obviate claims 4-5, 15-16, and 19-20. The proposed combination of *Logan* and *Wee* remains silent to all the features of independent claim 1, from which claims 4-5 depend. That is, *Logan* and *Wee* fail to teach or suggest "*determining a subcontracted processing service is required*" and "*interrogating a different service provider to fulfill the subcontracted processing service.*" The proposed combination of *Logan* and *Wee* also

fails to teach or suggest "*dispersing the segment to the different service provider via a network to receive the subcontracted processing service*" and "*receiving a result of the subcontracted processing service from the different service provider.*" The proposed combination of *Logan* and *Wee* also fails to teach or suggest "*discarding an XML data segment having a minimum amount of change in pixel data within a time frame to reduce processing time,*" as independent claim 11 recites and as claims 15-16 incorporate. The proposed combination of *Logan* and *Wee* also fails to teach or suggest "*interfacing with an electronic calendar*" and "*declining to communicate the formatted audio-visual data to the client communications device during a scheduled event indicated in the electronic calendar,*" as independent claim 12 recites and as claims 19-20 incorporate. One of ordinary skill in the art, then, would not think that claims 4-5, 15-16, and 19-20 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

Respectfully submitted,

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